

Notice of Allowability

Application No.

10/798,218

Examiner

Andrew D. Kosar

Applicant(s)

THURK, MARCEL

Art Unit

1654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/13/2005.
2. ☒ The allowed claim(s) is/are 182-185.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20060310.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


Andrew D. Kosar, Ph.D.
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EXAMINER'S AMENDMENT

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 13, 2005 has been entered.

Claims 177-181 have been examined on the merits.

An examiner's amendment to the record appears below.

Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

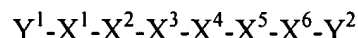
Authorization for this examiner's amendment was given in a telephone interview with Applicant's representative, Stephen K. Sullivan, on March 14, 2006.

The application has been amended as follows:

CANCEL CLAIMS 177-181.

ENTER NEW CLAIMS 182-185 as follows:

Claim 182. A compound or pharmaceutically acceptable salt thereof of the formula:



wherein,

Y¹ is a hydrogen, a methyl, an acetyl or is characterized by a backbone consisting of 1 to 32 carbon atoms;

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X¹ is absent or an L- or D- amino acid selected from the group consisting of Val, Ala, Leu, Ile, Nle, Asn, Gln, Ser, Thr, Tyr, Arg, Lys and Orn;

X² is absent or an L- or D- amino acid selected from the group consisting of Val, Ala, Leu, Ile, Nle, Ser, Thr, Tyr, Pro, Cit, Arg, Lys, Orn, His, Glu, Asp, Trp, Cha (cyclohexylalanine) and Chg (cyclohexylglycine);

X³ is an L- or D- amino acid selected from the group consisting of Cha and Chg;

X⁴ is an L- or D- amino acid selected from the group consisting of Pro and Aze (azetidine-2-carboxylic acid);

X⁵ is an L- or D- amino acid selected from the group consisting of Tyr and Phe;

X⁶ is absent or an L- or D- amino acid selected from the group consisting of Arg, Lys, Orn and Har (homoarginine); and

Y² is a hydrogen, a hydroxyl, an amino, 7-amido-4-methylcoumarin or *p*-nitroanilide.

Claim 183. A pharmaceutical composition comprising an effective thrombus-preventing amount of a compound according to claim 182 and a pharmaceutically acceptable carrier.

Claim 184. The pharmaceutical composition of claim 183 further comprising carriers, auxiliaries, additives or combinations thereof.

Claim 185. A method for thrombin inhibition in humans and animals comprising administering an effective amount of a compound according to claim 182 to a human or animal in need thereof.

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The following is an examiner's statement of reasons for allowance:

In view of the examiner's amendment above, claims 182-185 are allowed. The prior art of record does not teach or suggest, alone or in combination with any other reference, compounds with the core tripeptide of $X^3-X^4-X^5$ as instantly claimed.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

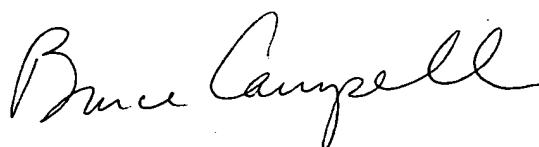
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew D. Kosar whose telephone number is (571)272-0913. The examiner can normally be reached on Monday - Friday 8am-430pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bruce Campell can be reached on (571)272-0974. The fax phone number for the organization where this application or proceeding is assigned is (571)273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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